

AUBURN CITY COUNCIL MINUTES
REGULAR SESSION
May 24, 2004, 6:00 p.m.

The Regular Session of the Auburn City Council was held in the Council Chamber, City Hall at 1225 Lincoln Way, Auburn, California with Mayor Cheryl Maki presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Members Present:	Kathy Sands, Alice Dowdin, Kevin Hanley, Mike Holmes, Mayor Cheryl Maki
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Council Members Absent:	None
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Staff Members Present:	City Manager Bob Richardson City Attorney Charles Wachob Police Chief Nick Willick Fire Chief Mark D'Ambrogi Public Works Director Tom Fossum Community Development Director Will Wong Associate Planner Reg Murray Airport Manager Jerry Martin
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**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/
ANNOUNCEMENTS**

None

AGENDA APPROVAL

Approved.

CONSENT CALENDAR

1. **Warrants**

By **RESOLUTION 04-64** approve Warrants #56956 through 57055 totaling \$938,197.09.

2. **Council Minutes**

Item removed by Council Member Hanley; follows Consent Calendar.

3. **Contract with Heritage Painting on behalf of Placer County Contractors Association for Exterior Restoration of Historic El Dorado Fire House**

By **RESOLUTION 04-65** authorize the Director of Public Works to execute a contract with Heritage Painting on Behalf of the Placer County Contractors Association for the exterior restoration of the Historic El Dorado Fire House.

4. **Waive Tree Mitigation Requirement for Green Residence, 200 Hidden Creek Drive**

Item removed by Council Member Hanley; follows Consent Calendar.

5. **Request for Services of Placer County Clerk for General Municipal Election**

By **RESOLUTION 04-66** approve the request of the City Clerk to utilize the services of the Placer County Clerk for the General Municipal Election of November 2, 2004.

6. **Downtown Business Association Request-Economic Development Commission Recommendation**

By **RESOLUTION 04-67** approve a funding grant in the amount of \$7,500 for the Downtown identity and Promotion Program.

7. **2003 Weed Abatement Program, Assess Tax Roles**

By **RESOLUTION 04-68** approve the 2003 cost report of the weed abatement program and direct the City Clerk to file a certified copy of the report with the Placer County Auditor-Controller.

8. **Weed Abatement – Declare Public Nuisance**

By **RESOLUTION 04-69** set a public hearing for Monday, June 14, 2004, at 6:00 p.m. for the purpose of declaring public nuisance requiring weed abatement on or upon certain properties within the City of Auburn.

***** End of Consent Calendar *****

By **MOTION** approve Consent Calendar as amended. **MOTION: Dowdin/Holmes/Approved 5:0**

9. **Council Minutes**

By **MOTION** approve City Council Minutes of May 10, 2004 as corrected. **MOTION: Holmes/Dowdin/Approved by voice**

10. **Waive Tree Mitigation Requirement for Green Residence, 200 Hidden Creek Drive**

Council Member Hanley said that, if the Council waives the mitigation requirement for this one parcel, it would, in effect, be changing the ordinance because it will be more difficult to deny waiver requests in the future.

City Attorney Charles Wachob said the tree ordinance does not allow for any waivers; however the applicant does have the right to appeal to the Council, which has the right to grant the waiver.

Alice Dowdin pointed out that it wasn't the applicant requesting the waiver, but the Planning Commission.

Community Development Director Will Wong said the Planning Commission voted 4 to 1 to waive all tree mitigation. Staff felt the Commission might not have the authority to do this. That's why it's here before the City Council.

Terry Green of 154 Pacific Ave, the property owner, said he placed his house in a position that would enable him to maintain the majority of his trees. If he had done like his neighbors, with a 35-foot setback, he would have had to cut down a 36-inch valley oak along with many more trees than the eight that he did. As a consequence and because his house is on a slope, he had to install a stem wall foundation system which is more costly than a slab-on-grade. He said there are hundreds of trees on his lot with not much room to mitigate trees. He felt his actions were his way of trying to encourage good design in Auburn by encouraging people to save their trees by designing buildings around the trees, even though it might be more costly.

Planning Commission Bob Snyder suggested the reduction of fees because the applicant went “*way beyond what a normal applicant would do in an effort to save trees*”. This is an opportunity for the city to encourage and give incentive to other property owners to follow the example of this applicant.

Mayor Maki said she loved the fact that Mr. Green had done everything he could to save all those trees. The purpose of a tree ordinance is to save trees. She favored waiving the fees for Mr. Green because he saved so many trees and has very little room to mitigate. At some time in the future, however, the Council should revisit the ordinance and address this issue of homeowners who make the extra effort to save as many trees as they can.

Council Member Hanley agreed with the mayor that Mr. Green should not have to pay any mitigation, but he thought the proper way to address this situation is to change the ordinance rather than grant a waiver.

Council Members Dowdin and Sands agreed it was appropriate to grant the waiver in this case.

By **MOTION** waive the tree mitigation requirement associated with the Tree Permit (File TP 04-5) for Green residence. **MOTION: Dowdin/Sands/Approved 4:1/No: Hanley**

11. **Public Comment**

Council Member Holmes said the County Board of Supervisors will sign on to the SACOG housing compact. He also said he had received some complaints about how long it takes to get things approved by the Planning Department.

Mayor Maki thanked all those involved in Project Auburn.

PUBLIC HEARING

12. **Appeal-Boundary Line Adjustment-400/410 Maidu Drive (Canyon Creek BLA)- File #BLA 03-7**

Associate Planner Reg Murray told the Council that the parties had signed an agreement and the appeal has been withdrawn.

Kurt Heisinger read a letter to the Council thanking them and the staff for their help in resolving this matter.

13. **Appeal – Civic Design Amendment – 1505 Racquet Club Drive (Auburn Racquet Club)**

Associate Planner Reg Murray introduced this item. In August, 2002 the Planning Commission approved plans for the expansion of the Auburn Racquet Club, which included a perimeter masonry wall. Later, as the process continued, the developer discovered that some of the construction costs would be significantly higher than originally anticipated. In order to cut costs, the applicant requested that the masonry wall be replaced by a wood fence. The Planning Commission denied his request.

Shannon Chatham, who lives along the wall, said a wood fence is not a good enough sound barrier. She wants the masonry wall.

Planning Commissioner Bob Snyder said he supports the project, but thought a compromise could be worked out with the neighbors.

Council Member Dowdin agreed and suggested, as a compromise, building a masonry wall in the areas of concern and allowing a temporary wood fence elsewhere until the project is completed.

The Council decided that a compromise could be worked out between the parties.

By **MOTION** return to staff to help work out differences between the parties involved and bring back to the next Council meeting on June 14th.

MOTION: Dowdin/Sands/Approved 5:0

14. **Airport Commission Ordinance**

City Manager Bob Richardson said that, if needed, the Council could resurrect the Airport Commission by a simple Resolution.

By **MOTION** Introduce, and read by title only, the proposed ordinance amending the Auburn Municipal Code relating to the Airport Commission. The amendment would repeal Ordinance 97-7 and thereby sunset the Airport Commission. **MOTION: Hanley/Holmes/Approved 5:0**

First reading by title only by City Attorney Charles Wachob.

15. **Old Town Business Improvement Area; Levy of Assessment for Fiscal Year 2004-2005**

There was no Council discussion or public comment.

By **RESOLUTION 04-70** levy assessment on all businesses within the Parking and Business Area of the Old Town Business Improvement District for Fiscal Year 2004-2005. **MOTION: Dowdin/Sands/Approved 5:0**

16. **Downtown Business Improvement Area; Levy of Assessments for Fiscal Year 2004-2005**

There was no Council discussion of public comment.

By **RESOLUTION 04-71** levy assessment on all businesses within the Parking and Business Area of the Downtown Business Improvement District for Fiscal Year 2004-2005. **MOTION: Dowdin/Holmes/Approved 5:0**

REPORTS

17. **Informational Reports from Staff**

A. Public Works Director's Monthly Update. Public Works Director Tom Fossum reported on the various ongoing projects.

18. **City Council Committee Reports**

Council Member Holmes said the Traffic Committee was looking at making certain changes on the limited time parking in some of the city's lots.

Council Member Hanley said he attended the last meeting of the League of California Cities. He discussed various aspects of the deal between the

Local Coalition and the Governor related to the state budget and constitutional protection of local revenues.

COUNCIL BUSINESS

19. Ordinance for Camping- Second Reading

Police Chief Nick Willick told the Council that from a social standpoint this ordinance is probably not politically correct, but it is modeled after the one in Sacramento. He said this is not to be construed as an action against the homeless, but rather a tool for law enforcement. It is an ordinance designed to protect the public health, welfare and safety of the community. He said the majority of the enforcement would be as a result of complaints.

Ken Tokutomi of 239 Center Street said this ordinance appears to be a blatant attempt to target the homeless. He asked if camping is outlawed in the city, where do the homeless go? Circumstances force some people to live in their vehicles temporarily until they can get on their feet. Under this ordinance that would be illegal. He said the Salvation Army was not aware of this ordinance at the last meeting, so they didn't have an opportunity to comment. He said that Home Base is doing a study on affordable housing and homelessness in Placer County. The results of their study are due out in June or July. He asked the Council to delay action on this ordinance until after the findings are published. He asked the city to develop more resources toward this problem, which can be solved. These homeless need help until they can get on their feet. He said this is a problem that is not going to go away.

Hold a second reading and by **ORDINANCE 04-2** adopt amendment to regulate camping on Private/Public Property within the City Limits. **MOTION: Hanley/Dowdin/Approved 5:0**

Second reading by title only by City Attorney Charles Wachob.

ADJOURNMENT at 8:30 p.m.

Cheryl Maki, Mayor

Joseph G.R. Labrie, City Clerk